THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.24723 of 2005

23.11.2005

Between:

Sabavat Rukman Naik, S/o.Ganniaya Naik, Jawahar Colony,
Indira Nagar, Banjara Hills, Hyderabad.

... Petitioner

AND

1. The Commissioner, Municipal Corporation of Hyderabad, Hyderabad
and others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.24723 of 2005

ORDER:

The petitioner claims to be owner of plot No.77/19 of Yamuna Nagar Cooperative Housing Society situated in survey No.102/3 of Hakeempet Village, Hyderabad. He alleges that the said plot was encroached upon by Gotte Bhoopathi, R.Venkatarami Reddy and P.Anjani Prabha. The petitioner therefore filed LGC No.56 of 2002 on the file of Special Court under A.P. Land Grabbing (Prohibition) Act, 1982 and the same is pending. In the meanwhile, it appears that Anjani Prabha and Smt.Simrtha obtained building permission from the Municipal Corporation of Hyderabad (MCH) and constructing apartment block in building No.308. The petitioner alleges that such construction is in violation of building byelaws and rules in G.O.Ms.No.423. After completion of the construction, the encroachers approached MCH under Section 455 of Hyderabad Municipal Corporations Act, 1955 (the Act, for brevity) seeking occupancy certificate. Having come to know this, the petitioner made a representation to MCH on 01.9.2005 requesting the MCH to desist from issuing any certificate under Section 455 of the Act, in vain. Therefore, the present writ petition is filed.

Though the learned Standing Counsel for Hyderabad Municipal Corporation was asked to get instructions in the matter two days ago, the learned Standing Counsel is not ready with the instructions. Therefore, it would be appropriate to direct the

MCH to consider and dispose of the representation of the petitioner dated 01.9.2005 within a period of two weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and declarations, is accordingly disposed of. No costs.

_____

(V.V.S.RAO,J)

November 23, 2005

YS